

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-CR-77

FRANCIS G. GRADY,

Defendant.

MOTION FOR COMPETENCY EVALUATION

Pursuant to 18 U.S.C. § 4241, counsel respectfully requests that the Court order a competency examination in this matter. As grounds, counsel submits the following:

1. Grady was convicted at trial of arson and obstructing access to a clinic entrance, contrary to 18 U.S.C. § 844(i) and 18 U.S.C. §§ 248(a)(3) and (b)(1). Sentencing is scheduled for October 12, 2012.

2. Grady is currently housed at the Wisconsin Resource Center in Winnebago, Wisconsin, where he is serving a state court sentence. His estimated release date is approximately February 25, 2013.

3. Grady has a long mental health history with a variety of diagnoses. *See* PSR ¶ 87. On information and belief, Grady currently is not taking any medications. *Id.* Grady declined to meet with counsel to review the pre-sentence report.

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4. In addition to the instant federal case, Grady is charged in Outagamie County in Case Nos. 12-CF-335, 12-CM-411, and 12-CT-970. A competency examination was ordered in the state court matters on October 9, 2012. See WCCA.wicourts.gov, last visited October 10, 2012.

5. The Wisconsin state court matters are set for a review on November 12, 2012. *Id.* It is expected that the state court competency report will be available prior to the November 12 review date.

6. Grady filed documents *pro se* that are relevant to this request. See e.g., Docket No. 46.

Therefore, on the above grounds, counsel for Grady has reasonable cause to believe that Grady may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. 4241(a), (b). Counsel respectfully requests that the Court order a competency examination and that the Court remove the sentencing hearing from the calendar pending the results of the competency examination.

Dated at Green Bay, Wisconsin, October 10, 2012.

Respectfully submitted,

s/ Tom Phillip

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